

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

must reflect the credit disallowed and the income modifications required by section 5122, subsection 1, paragraph II and section 5200-A, subsection 1, paragraph BB with respect to that property.

Sec. 15. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 111, subsection 1-A applies to tax years beginning on or after January 1, 2014 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2014.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 12, 2015.

CHAPTER 2

S.P. 319 - L.D. 918

An Act To Allow Licensed Independent Practice Dental Hygienists To Expose and Process Radiographs under Protocols Developed by the Board of Dental Examiners

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, pursuant to Resolve 2011, chapters 67 and 153, independent practice dental hygienists in certain underserved areas of the State are allowed to expose and process radiographs; and

Whereas, this authorization is set to expire on March 15, 2015; and

Whereas, this legislation, which continues the authorization and expands its application to the entire State, needs to take effect prior to March 15, 2015 to avoid an interruption in the services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1094-Q, sub-§1, ¶¶N and O, as enacted by PL 2007, c. 620, Pt. B, §1, are amended to read:

N. Place temporary restorations in compliance with the protocol adopted by the board; ~~and~~

O. Apply topical antimicrobials, excluding antibiotics, including fluoride, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medications; ~~and~~

Sec. 2. 32 MRSA §1094-Q, sub-§1, ¶P is enacted to read:

P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist providing that the dentist will be available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form.

Sec. 3. 32 MRSA §1100-J, sub-§3, ¶¶C and D, as amended by PL 1993, c. 600, Pt. A, §96, are further amended to read:

C. A person serving in the United States Armed Forces or public health service or employed by the Veterans' Administration or other federal agency while performing official duties, if the duties are limited to that service or employment; ~~or~~

D. Those persons having a current license to perform radiologic technology pursuant to section 9854 and who are practicing dental radiography under the general supervision of a dentist or physician; ~~or~~

Sec. 4. 32 MRSA §1100-J, sub-§3, ¶E is enacted to read:

E. An independent practice dental hygienist licensed pursuant to subchapter 3-B who meets the requirements of section 1094-Q, subsection 1, paragraph P.

Sec. 5. Resolve 2011, c. 67, as amended by Resolve 2011, c. 153, §§1 to 3, is repealed.

Sec. 6. Rules. The Department of Professional and Financial Regulation, Board of Dental Examiners shall adopt rules by July 30, 2015 to implement this Act. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Prior to adoption of rules by the board under this section, the rules adopted by the board in Rule Chapter 16 pursuant to Resolve 2011, chapter 67 in effect on March 11, 2015 apply to a licensed independent practice dental hygienist who wishes to expose and process radiographs pursuant to Title 32, section 1094-Q, subsection 1, paragraph P, except that the provisions of the rule contained in Chapter 16,

Section 1, subsections A and B regarding notice to the board and location limitation do not apply.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 13, 2015.

CHAPTER 3

S.P. 250 - L.D. 692

An Act Regarding Educator Effectiveness

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Department of Education requires that revisions be made to the Maine Revised Statutes, Title 20-A, sections 13704 and 13706 and that corresponding amendments to Maine Department of Education Rule Chapter 180 be in effect by March 15, 2015 in order to be in compliance with the federal Elementary and Secondary Education Act of 1965; and

Whereas, because Rule Chapter 180 is a major substantive rule, changes to the rule require legislative review before the changes may be made; and

Whereas, the Legislature has the authority to direct the Department of Education to amend its rule to reflect legislative policy determinations; and

Whereas, the Department of Education, educators and administrators need statutory and rule revisions to be in compliance with the federal Elementary and Secondary Education Act of 1965; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §13704, sub-§3, ¶A, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

A. The rating must be based on standards of professional practice and measures of educator effectiveness. The proportionate weight of the standards and the measures is a local decision, but measurements of student learning and growth must be a significant factor in the determination of the rating of an educator. School administra-

tive units shall use state assessment growth data for English language arts, literacy and mathematics as at least one measure of the performance of English language arts and mathematics teachers in tested grades and as a measure for the performance of principals.

An educator whose summative effectiveness rating indicates ineffectiveness must receive an annual summative effectiveness evaluation and rating until the rating improves.

An individualized education plan may not be used to measure student growth for the purposes of teacher and principal evaluation, but an individualized education plan may be a source of evidence from which learning objectives and learning targets may be developed.

Sec. 2. 20-A MRSA §13706, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

§13706. Rules

The department shall adopt rules to implement this chapter, including but not limited to a rule relating to the method of identifying the educator or educators whose effectiveness ratings are affected by the measurement of learning or growth of a particular student. The department shall also adopt rules pertaining to the approval of performance evaluation and professional growth systems pursuant to section 13702. The department shall also adopt rules pertaining to the ongoing monitoring of the implementation and results of district performance evaluation and professional growth systems. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. Amendment of rule. The Department of Education shall amend portions of Rule Chapter 180: Performance Evaluation and Professional Growth Systems as follows.

1. Throughout the rule the abbreviation PE/PG must be changed to PEPG.
2. In section 2, subsection 10, language must be added to the definition of "principal" to provide that "principal" means a person who supervises teachers in delivering the instructional program of a school. The phrase "serving in a position that requires certification under State Board of Education Rule Chapter 115, Part II, Section 4.5, 4.6 and 4.7" must be moved to the end of subsection 10.
3. In section 2, subsection 12, the definition of school administrative unit must be amended to include charter schools.
4. In section 4, subsection 2, the following changes must be made to the requirements of a performance evaluation and professional growth system plan: